

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LESTER NELSON LUTZ, :
 :
 Petitioner, : CIVIL ACTION NO. 3:13-CV-1966
 :
 v. : (JUDGE CONABOY)
 : (Magistrate Judge Mehalchick)
 SUPERINTENDENT OF SCI COAL :
 TOWNSHIP, :
 :
 Respondent. :
 :

FILED
SCRANTON

JAN 27 2014

ORDER

PER W
DEPUTY CLERK

AND NOW, THIS 27th DAY OF JANUARY 2014, FOR
THE REASONS DISCUSSED IN THE SIMULTANEOUSLY FILED MEMORANDUM, IT IS
HEREBY ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 15) is adopted in part;
2. Petitioner's 28 U.S.C. § 2254 action is dismissed;
3. There is no basis for the issuance of a certificate of appealability;
4. The Clerk of Court is directed to close this case.



RICHARD P. CONABOY
United States District Judge